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Federal Communications Commission

DA 02-3213

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	
FM Broadcast Stations.)	
(Sparkman, Arkansas)	)	MM Docket No. 01-215
	)	RM-10223
)	
(Moherly, Missouri)	)	MM Docket No. 01-252
	)	RM 10275
)	
(Kiowa, Oklahoma)	)	MM Docket No. 01-212
	)	RM-10222
)	
(Crowell, Texas)	)	MM Docket No. 01-210
	)	RM-10225
)	
(Menard, Texas)	)	MM Docket No. 01-214
	)	RM-10227
)	
(Menard, Texas)	)	MM Docket No. 01-304
	)	RM-10309
)	
(San Isidro, Texas)	)	MM Docket No. 01-305✓
	)	RM-10310
)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 4, 2002

; Released: December 9, 2002

By the Chief, Allocations Branch:

1. The Audio Division has before it *Notices of Proposed Rule Making*¹, involving seven separate proposals to allot an FM channel to a specific community. Each petitioner filed comments in support of its proposal, reaffirming its intention to apply for the specified channel, if allotted. Except for the Crowell, Texas proceeding (MM Docket No. 01-210), in which the petitioner has requested the **dismissal** of its

¹ *Broken Bow, Oklahoma et al.*, 16 FCC Rcd 16002 (MMB, 2001); *Cheyenne Wells, Colorado et al.*, 16 FCC Rcd 16951 (MMB, 2001); and *Menard and San Isidro, Texas*, 16 FCC Rcd 18772 (MMB, 2001).

petition. For rule making, each proposal complies with all Commission technical requirements and we continue to believe that each proposal would serve the public interest. We are combining these separate FM allotment proposals into a single *Report and Order*. As discussed in a Commission *Public Notice* released October 2, 1998 (DA 98-1987), this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative action. We discuss below the following proposals:

A. MM Docket No. 01-215; RM-10223

Action: At the request of Big Country Radio, Inc. and Jeraldine Anderson,² we are allotting Channel 259A at Sparkman, Arkansas, as that community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 259A at Sparkman are 33-55-00 North Latitude and 92-50-53 West Longitude.

Additional Information: This allotment does not require a site restriction. No counterproposals or other comments were received in this proceeding.

FCC Contact: R. Barthen Gorman (202)418-2180

B. MM Docket No. 01-252; RM-10275

Action: At the request of Charles Crawford, we are allotting Channel 223A at Moberly, Missouri, as that community's sixth local aural transmission service.

Coordinates: The reference coordinates for Channel 223A at Moberly are 39-25-06 North Latitude and 92-26-17 West Longitude.

Additional Information: This allotment does not require a site restriction. No counterproposals or additional comments were received in this proceeding.

FCC Contact: R. Barthen Gorman (202)418-2180

C. MM Docket No. 01-212; RM-10222

Action: At the request of Maurice Salsa, we are allotting Channel 254A at Kiowa, Oklahoma, as that

² Big Country Radio, Inc. ("Big Country") filed the petition for rule making that requested the allotment of Channel 259A at Sparkman. Big Country did not file comments in this proceeding. Jeraldine Anderson filed comments in which she expressed her intent to apply for the proposed Channel 259A at Sparkman if it is allotted there and to promptly construct and operate the contemplated FM radio station if she received the appropriate Commission authorization to construct the station.

community's first local aural transmission service.

Coordinates: The reference coordinates for Channel **254A** at Kiowa are 34-42-23 North Latitude and 95-58-48 West Longitude.

Additional Information: This allotment requires a site restriction of 7.1 kilometers (4.4 miles) west of Kiowa, Oklahoma. North Texas Radio Group, L.P. ("North Texas"), licensee of Station KBOC, Bridgeport, Texas, filed a timely counterproposal requesting the allotment of Channel 224A to Kiowa instead of Channel 254A, claiming that its counterproposal might allow North Texas to resolve issues in another rulemaking proceeding (MM Docket No. 99-233). A Channel **224A** allotment at Kiowa would be short-spaced to the FM allotment for Channel 224C2 at Blossom, Texas. Thus, North Texas's counterproposal is dismissed as fatally defective. After discovering that Channel 224A at Kiowa would be short-spaced to the FM allotment for Channel 224C2 at Blossom, Texas, North Texas requested, in its reply comments, the allotment of Channel 228A at Kiowa instead of Channel 254A. That request constitutes an untimely counterproposal and is dismissed. See Section 1.420(d) of the Commission's **Rules**. In any event, we note that allotting Channel 228A to Kiowa would result in a short spacing to Station **KISR(FM)**, Channel 229C, at Fort Smith, Arkansas. No other counterproposals or additional comments were received in this proceeding.

FCC Contact: R. Barthen Gorman (202) 418-2180

D. MM Docket No. 01-210; RM-10225

Action: Katherine Pyeatt filed a petition for rule making requesting the allotment of Channel 293C3 at Crowell, Texas, as that community's first local **aural** transmission service. Subsequently, she submitted a motion to dismiss that petition and an affidavit tiled pursuant to Section 1.420(j) of the Commission's Rules. The foregoing affidavit was later supplemented to explain that she has not received and will not receive any consideration from anyone regarding her request to dismiss her petition for rule making. Since her affidavit, as supplemented, complies with Section 1.420(j) of the Commission's Rules, her request for dismissal is granted and her petition for rule making is dismissed. No counterproposals or additional comments were received in this proceeding.

FCC Contact: R. Barthen Gorman (202) 418-2180

E. MM Docket No. 01-214; RM-10227

Action: At the request of Katherine Pyeatt, we are allotting Channel 242A to Menard, Texas, as the community's second local aural transmission service.

³ Maurice Salsa filed **reply** comments to North Texas's comments and reply comments.

Coordinates: The reference coordinates for Channel **242A** at Menard are 30-59-47 North Latitude and 99-52-06 West Longitude.

Additional Information: This allotment requires a site restriction 11.8 kilometers (7.3 miles) northwest of Menard, Texas. Since the allotment is within 320 kilometers (199 miles) of the U.S.-Mexico border, clearance for this allotment was sought with the Mexican Government. The Mexican Government has granted its clearance of this allotment. No counterproposals or additional comments were received in this proceeding.

FCC Contact: R. Barthen Gorman (202)418-2180

F. MM Docket No. 01-304; RM-10309

Action: At the request of Jeraldine Anderson, we are allotting Channel 287C3 to Menard, Texas, as that community's third local aural transmission service.

Coordinates: The reference coordinates for Channel 287C3 at Menard are 30-52-29 North Latitude and 99-54-00 West Longitude.

Additional Information: This allotment requires a site restriction 11.9 kilometers (7.4 miles) southwest of Menard. Since the allotment is within 320 kilometers (199 miles) of the US-Mexico border, clearance for the allotment was sought with the Mexican Government. The Mexican Government has granted its clearance of this allotment. No counterproposals or additional comments were received in this proceeding.

FCC Contact: R. Barthen Gorman (202)418-2180

G. MM Docket No. 01-305; RM-10310

Action: At the request of Jeraldine Anderson, we are allotting Channel 247A to San Isidro, Texas, as that community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 247A at San Isidro are 26-45-00 North Latitude and 98-26-00 West Longitude.

Additional Information: This allotment requires a site restriction 4.2 kilometers (2.6 miles) northeast of San Isidro. Since the allotment is within 320 kilometers (199 miles) of the U.S.-Mexico border, clearance for the allotment was sought with the Mexican Government. The Mexican Government has granted its clearance of this allotment. Sound Investments Unlimited, Inc., the licensee of FM Station KCTM, Rio Grande City, Texas, filed comments asserting that San Isidro did not constitute a "community" that is entitled to an FM allotment pursuant to Section 307(b) of the Communications Act of 1934, as amended. We have determined that San Isidro constitutes a community that is entitled to an FM allotment. The 2000

U.S. Census lists San Isidro as a Census Designated Place with a population of **208**. In addition, Ms. Anderson observes that San Isidro has its own post office, volunteer fire department, city commissioner, and a number of local churches. No counterproposals or other comments were received in this proceeding.

FCC Contact: R. Barthen Gorman (202) 418-2180

2. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections **0.61**, 0.204(b) and 0.283 of the Commission's **Rules**, **IT IS ORDERED**, That effective January **24**, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, **IS AMENDED**, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Sparkman , Arkansas	259A
Moberly, Missouri	223A, 247C3, 284C, 288C2
Kiowa, Oklahoma	254A
Menard, Texas	242A, 265C2, 287C3
San Isidro, Texas	247A

3. The window periods for filing applications for these allotments will not ~~be~~ opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

4. **IT IS FURTHER ORDERED**, That Katherine Pyeatt's petition for **rule** making (**MM** Docket No. 01-210, RM-10225) that requested the allotment of Channel 293C3 at Crowell, Texas, **IS DISMISSED** as requested.

5. **IT IS FURTHER ORDERED**, That the aforementioned proceedings ~~ARE~~ **TERMINATED**.

6. For further information concerning a specific **docket**, contact the **FCC Contact listed above for that docket**.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau